

# Inspection Guidance Checklist

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**DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
INSPECTION POLICY AND PROCEDURE  
#EO-02-006-PP**

**Note: All citation references are to the California Code of Regulations, title 22, division 4.5 unless otherwise indicated.**

**DISCLAIMER**

This checklist is intended to provide guidance only. This checklist does not replace or supersede relevant statutes and regulations. The information contained in this checklist is based upon the statutes and regulations in effect as of the date the policy and procedure was signed. Interested parties are advised to keep apprised of subsequent changes to relevant statutes and regulations.

**WASTE CLASSIFICATION**

There are two general classifications in use:

Federal: 40 Code of Federal Regulations, part 261

California: California Code of Regulations, title 22, division 4.5, chapter 11

As a general rule, California Code of Regulations, title 22 incorporates the 40 Code of Federal Regulations. A Resource Conservation and Recovery Act (RCRA) hazardous waste is a California hazardous waste by reference.

What is a waste?

A material that can no longer serve the purpose for which it was originally intended is considered to be a waste. See also “used in a manner constituting disposal”.

What is a hazardous waste?

A waste that could potentially threaten human health or the environment is considered to be hazardous. Generally, wastes are tested to see if they meet an established standard (characteristic wastes) or they are placed on a recognized list (listed wastes).

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**A. Listed Wastes**

1. RCRA regulations have four different lists of wastes that are regulated as hazardous. The four lists are:

- Wastes from non-specific sources (F wastes)
- Wastes from specific sources (K wastes)
- Discarded commercial chemical products (P and U wastes)

P wastes are also known as acute hazardous wastes.

2. California regulations have two lists:

- Specific chemical compounds
- General descriptions of wastes

California listed wastes differ from RCRA listed wastes in that California lists are presumptive and the generator must make a waste determination.

**B. Characteristic Wastes**

There are four different characteristics (EPA waste code in parenthesis):

1. Ignitability (D001)

- Flash point of less than 60°C;
- Solids capable of causing fire through friction, adsorption of water or spontaneous chemical change;
- Ignitable compressed gas; and
- Oxidizer.

2. Corrosivity (D002)

- Aqueous waste with a pH  $\leq 2$  or  $\geq 12.5$ ;
- Liquid and corrodes steel at a rate greater than 6.35 mm/year;

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- Solid mixed with equal weight of water and corrodes steel at a rate greater than 6.35 mm/year; and
- Solid mixed with equal weight of water has a pH  $\leq 2$  or  $\geq 12.5$ .

3. Reactivity (D003)

- Normally unstable;
- Reacts violently with water;
- Forms explosive mixture with water;
- Generates toxic gases when mixed with water;
- Capable of detonation when subject to a strong initiating force;
- Readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; and
- Forbidden Class A and Class B explosives.
- It is a cyanide or sulfide bearing waste that can generate toxic gases when exposed to pH between 2 and 12.5.

4. Toxicity

- Soluble or extractable compounds at or above listed values when extracted utilizing the Toxicity Characteristic Leaching Procedure (TCLP), D004 - D043;
- Total or soluble compounds at or above listed concentrations (TTLC and/or STLC);
- Has an acute LD<sub>50</sub> or LC<sub>50</sub> less than the specified levels; and
- Experience or testing has shown it to be toxic.
- Contains specified substances equal to or greater than 0.001 percent by weight.

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**REGULATORY EXCLUSIONS**

Regulatory exclusions may exempt the following wastes from some or all of the hazardous wastes regulations. The exclusions apply if and only if all specified conditions and requirements are met.

Remember to read the pertinent regulations and statutes carefully.

Wastestream	Requirements
Recyclable materials <ul style="list-style-type: none"><li>• general requirements</li><li>• labeling requirements</li><li>• recycled (off-site)</li><li>• agricultural use</li></ul>	Health and Safety Code sections 25143.2, and 25143.9 Health and Safety Code section 25143.9(a) section 66266.3 et seq. section 66266.115 et seq.
Elemental mercury	section 66266.120
Exclusion	section 66261.4
Contaminated containers	section 66261.7
Hazardous waste fuels	section 66266.30 et seq.
Scrap metal	section 66260.10 and 66261.6(a)(3)(B)
Spent lead-acid batteries	section 66266.81
Used oil (recycled)	Health and Safety Code section 25250.1 et seq.
Used oil (for fuel)	section 66266.50
Used oil filters	section 66266.130
Waste pesticides (farmers)	section 66262.70
Fluorescent light ballasts (PCBs)	section 67426.1 et seq.

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**RECYCLING**

- A. Health and Safety Code section 25143.2 allows for the exclusion of treatment activities from permitting requirements, if certain requirements are met:
1. The material is excluded from classification as a waste if the material is not reclaimed and is: [Health and Safety Code, section 25143.2(b)]
    - a. Used or reused as an ingredient in an industrial process to make a product;
    - b. Used or reused as a safe and effective substitute for a commercial product; or
    - c. Returned to the process which generated the waste and is used as raw feedstock.
  2. The material can be recycled at a facility without authorization from the Department if: [Health and Safety Code, section 25143.2(c)]
    - a. The material is a petroleum refinery waste containing oil that is converted to coke at the same location unless the resulting product would be identified as hazardous waste; or
    - b. The material is
      - Recycled and used at the same facility at which it is generated;
      - Recycled within 90 days of its generation; and
      - Managed with applicable generator requirements.
  3. The material meets the definition of a non-RCRA hazardous waste and [Health and Safety Code, section 25143.2(d)]
    - a. Can be shown to be recycled and used at the site; or

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- b. Is a product processed or handled at a facility authorized by the Department and:
  - Does not contain other constituents which would render it hazardous (e.g., exhibits a different characteristic); and
- c. Or a petroleum refining waste containing oil that is converted into coke at the same facility at which the waste was generated.
- d. Or oily waste, used oil or spent non-halogenated solvent managed by a crude oil refinery, public utility or a corporate subsidiary, parent or subsidiary of the refinery or utility and:
  - Is burned in an industrial boiler, industrial furnace, incinerator or utility boiler which complies with Federal and State laws or is recombined with normal process streams to produce a fuel;
  - Is managed at the location where it was generated or at another site owned or operated by the company or corporate subsidiary or parent (if generated by oil or gas production, at an unrelated refinery received through a common pipeline); and
  - No other constituents other than those for which it is being recycled.
- e. Or fuel removed from a fuel tank contaminated by water or non-hazardous debris of not more than 2% by weight or unintentionally contaminated by an unused petroleum product and transferred to, processed into fuel at a refinery which primarily process crude oil.
- f. The material is transferred between locations operated by the generator, recycled at the last location or transferred to an authorized off-site location for recycling and:

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- Transferred by employees in the generators vehicles or by a registered hazardous waste hauler;
  - Not handled at any interim location;
  - Not held at an interim location with public access for more than four hours;
  - Managed in accordance with generator standards; and
  - An operating log is maintained.
- g. The material is used or reused as an ingredient to make a product without first being treated by other than one or more of the following procedures:
- Filtering
  - Screening
  - Sorting
  - Sieving
  - Grinding
  - Physical or gravity separation without adding heat or chemicals
  - pH adjustment
  - Viscosity adjustment
- h. The material is used or reused as a safe and effective substitute for a commercial product without first being treated by other than one or more of the following procedures:
- Filtering
  - Screening
  - Sorting
  - Sieving
  - Grinding

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- Physical or gravity separation without adding heat or chemicals
    - pH adjustment
    - Viscosity adjustment
  - I. The material is chlorofluorocarbons (CFC's) to be recycled or reused in heat transfer equipment, fire-extinguishing equipment or contained within foam products.
4. The exemptions do not apply if:
- a. RCRA hazardous wastes used in a manner constituting disposal or used to produce a product applied to the land;
  - b. Non-RCRA hazardous wastes used in a manner constituting disposal or used to produce a product applied to the land;
  - c. Burned for energy recovery, used to produce a fuel or contained in fuels;
  - d. Materials accumulated speculatively;
  - e. Inherently waste-like;
  - f. Used or spent etchants, stripping solutions, plating solutions which are no longer fit for their originally purchased or manufactured purpose; or
  - g. Used oil.
- B. Reporting/Recordkeeping Requirements:
- 1. Any person who claims an exclusion or exemption must provide the following information to the Department upon request: [Health and Safety Code, section 25143.2(f)]
    - a. Name, address and telephone number of the owner/operator of any facility who manages the material; and
    - b. Any other information related to that person's management of the material.

In addition, the person is required to maintain adequate records to

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demonstrate that there is a known market or disposition for the material and that the requirements of the exemption/exclusion are met.

2. Any person who recycles more than 100 kilograms per month of recyclable material under a claim that the material qualifies for exclusion or exemption must provide the following information to the local officer or agency: [Health and Safety Code, section 25143.10(a)]
  - a. Name, site address, mailing address, and telephone number of the owner or operator of any facility that recycles the material.
  - b. Name and address of the generator of the recyclable material.
  - c. Documentation that the requirements of any exemptions or exclusions pursuant to Health and Safety Code, section 25143.2 are met.

Used in a manner constituting disposal

Materials placed on land either directly or after incorporating them with other materials is generally considered to constitute disposal. Examples would be:

- Use as a soil amendment, fertilizer, and pesticide;
- Use to build marine habitat;
- Use as anti-skid material for dust control;
- Use as landfill cover material; or
- Use as a road base.

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**SOURCE REDUCTION**

This law requires that business generating hazardous waste in excess of specified annual amounts prepare documents to evaluate Source Reduction (SR) alternatives and implement selected SR measures.

**A. Definitions**

1. Source Reduction means any of the following: [Health and Safety Code, section 25244.14(e)(1)]
  - a. Any action which causes a net reduction in the generation of hazardous waste; or
  - b. Any action taken before the hazardous waste is generated that results in lessening of the properties which cause it to be classified as a hazardous waste.
2. SR includes, but is not limited to, all of the following: [Health and Safety Code, section 25244.14(e)(2)]
  - a. Input changes;
  - b. Operational improvements;
  - c. Production process changes; and
  - d. Product reformulation.
1. Source reduction evaluation review and plan or review and plan means a review conducted by the generator of the processes, operations, and procedures in use at a generator's site, in accordance with the format established by the department. [Health and Safety Code, section 25244.14(f)]
2. Hazardous waste management performance report or report means the report required to document and evaluate the results of hazardous waste management practices. [Health and Safety Code, section 24244.14(d)]

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3. Reporting Year - The calendar year immediately preceding the year in which plans, reports, plan and report summaries, and compliance checklists are to be prepared. [section 67100.1(k)]
4. Baseline Year - any of the following, whichever is applicable:
  - a. For a generator's initial report, the baseline year is the calendar year, selected by the generator, for which substantial hazardous waste generation, or onsite or offsite management data is available, except the generator may select the current reporting year as the baseline year for the initial report. [section 67100.1(b)(1)]
  - b. For all subsequent reports, the baseline year is the reporting year immediately preceding report. [section 67100.1(b)(2)]

**B. Generator Applicability Criteria**

Routinely produce hazardous waste in excess of 12,000 kilograms (26,400 pounds or 3800 gallons) or more than 12 kilograms of extremely hazardous waste per year. [section 67100.2 (a)]

**C. Applicable Wastes**

Generators must address those wastes that constitute over five percent of their total hazardous waste, or over five percent of their total EH waste. [Health and Safety Code, section 25244.19(b)(3)]. The five percent of the yearly amount is exceeded if it is routinely generated and meets either of the following criteria:

1. It is a hazardous waste stream processed in a wastewater treatment unit that discharges to a publicly owned treatment works or under a national pollutant discharge elimination system permit.
2. It is a hazardous wastes stream that is not processed in a wastewater treatment unit and its weight exceeds 5% of the weight

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of the total yearly amount generated at the site minus the weight of any hazardous waste stream identified in paragraph one above.

**D. Waste Stream Exemptions [section 67100.2(c)]**

1. Automotive fluid, oil filters, lead acid batteries, household hazardous wastes, waste pesticide wastes and containers collected by agricultural commissioner, spent munitions, decommissioned utility poles, oil generated from decommissioned refrigeration units, mercury relays and low-level radioactive tubes generated from removal of telephone equipment and lighting wastes including ballasts and fluorescent tubes.
2. Site cleanup mitigation, and remedial waste streams samples and evidence from enforcement actions; asbestos, PCBs, formation fluids and solids from oil; gas and geothermal explorations; demolition, renovation and emergency response wastes; wastes generated from laboratory scale research; and medical wastes.
3. **SMALL BUSINESS EXEMPTIONS.** Small businesses may complete a Waste Audit Checklist (if one is available from the Department) for their industry and appendices sections 1, 3, 5, and 6 of the compliance checklist. Small businesses can use their current Biennial Generator Report as their Report.  
[section 67100.2(g)]

**E. Required Documents (section 67100.3)**

Every generator shall retain a copy of the current review and plan, report, summary progress report and compliance checklist at each site. These documents shall be made available to the department upon request.

**F. Compliance Dates**

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1. Each generator shall prepare a hazardous waste management performance report on or before September 1, 1991, and every four years thereafter. [Health and Safety Code, section 25244.20(a)]

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2. The summary progress report shall be submitted on or before September 1, 1999, and every four years thereafter. [Health and Safety Code, section 25244.19(b)(10)]

G. Availability [Health and Safety Code, section 25244.21(a)]

Every generator shall retain the original of the current review and plan and report and a copy at each site, or for multisite, at a central location. Upon request, generator shall make them available. If a generator fails, within five days, to make the documents available to the inspector, the Department, or any authorized representative shall, if appropriate, impose a civil penalty pursuant to Health and Safety Code section 25187, in an amount not to exceed one thousand dollars (\$1,000) for each day the violation continues.

H. Certification [Health and Safety Code, section 25244.20(e)]

Every completed report pursuant to Health and Safety Code section 25244.20 shall be submitted by the generator for review and certification by a registered engineer, by an individual who is responsible for the processes and operations of the site, or by a registered environmental assessor.

I. Multiple Sites

1. If a generator owns or operates multiple sites with similar processes, operations, and wastes the generator may prepare a single multisite review and plan and report addressing all of these sites. [Health and Safety Code, Sections. 25244.19 and 25244.20(d)]
2. If a generator owns a large site with multiple operations that are managed as independent businesses, the generator may prepare a separate review and plan, report, and compliance checklist for each independently-managed site. [section 67100.2(l)]

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**GENERATOR VERSUS INTERIM STATUS REQUIREMENTS**

Requirement	Generator	Interim Status
Waste Determination	Yes	Yes, only on-site
EPA ID #	Yes	Yes
90-day Accumulation Requirements	Yes	On-site TSD
Waste Analysis Plan	*	Yes
Generator Manifest Requirements	Yes	Off-site shipments of hazardous wastes (HW) only
Pre-transport Requirements	Yes	Off-site HW shipments
Generator Manifest Recordkeeping	Yes	Off-site HW shipments
Manifest Recordkeeping (off-site shipments received)	NA	Yes
Biennial Report	<sup>1</sup>	Off-site HW shipments
Annual Report	NA	Yes
Exception Report	Yes	Off-site HW shipments
HW Export	Yes	Yes
HW Import	Prohibited	Yes
Personnel Training	<sup>1</sup>	Yes
Preparedness & Prevention	<sup>1</sup>	Yes
Contingency Plan & ER Procedures	<sup>1</sup>	Yes
Use and Management of Containers	Yes	Yes
Accumulation start date and labeling	Yes	Yes, only HW generated on-site
Tank Systems	Yes, except Closure Plan requirements	Yes
General Waste Analysis	NA	Yes
Security	NA	Yes
Tank/Container Inspections	Yes	Yes
Tank Inspection Records	Yes	Yes
Container Inspection Records	NA	Yes
Operating Record	NA	Yes
Closure/Post Closure	NA	Yes
Financial Responsibility	NA	Yes

\* The generator must develop and follow a written waste analysis plan if the generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR 262.34 to meet applicable LDR treatment standards. [section 66268.7(a)(5)]

<sup>1</sup> Depends on the size of the generator.

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**POINT OF GENERATION (SATELLITE ACCUMULATION)**

The following requirements apply to generators who accumulate hazardous waste in containers at or near the point of generation provided they meet all requirements of Health and Safety Code section 25123.3(d) HSC and section 66262.34(e):

1. Accumulates a maximum of 55 gallons of HW, one quart of acutely HW, or one quart of extremely hazardous waste per waste stream;
2. At or near the point of generation;
3. Under the control of the operator;
4. Accumulated HW in containers (other than tanks);
5. HW not held on-site for more than one year from the initial date of accumulation, or 90/180/270 days, depending on the size of the generator, from the date the quantity limitation is reached, whichever occurs first;
6. The initial date of accumulation is marked on each container;
7. Containers are kept closed when not in use, in good condition, and compatibly stored;
8. Mark container with date the applicable quantity limitation reached within three days; and
9. Label each container of HW with the following:
  - The words "Hazardous Waste";
  - Composition of the waste;
  - Physical state of the waste;
  - Hazardous Properties;
  - Name and Address of generator.

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**SECONDARY CONTAINMENT FOR TANKS**

All existing and new tanks are required to have secondary containment. This chart indicates the date by which tank systems must comply with secondary containment requirements of section 66265.193, unless they are exempted under section 66265.193(f) or have been granted a variance under section 66265.193(g). [section 66265.193(a)]

Age of Tank	Use	Date of Compliance
New	Any HW	Before placing in service
Prior to 7/14/86	RCRA Hws: F020, F021, F022, F023, F026, and F027	Two years from 1/12/87
Prior to 7/14/86	RCRA Hws: F020, F021, F022, F023, F026, and F027; and CESQG/SQG*	Two years from 7/1/91
Known/documented to be prior to 7/14/86	RCRA HW; not a CESQG/SQG*	Two years from 1/12/87, or 15 years old, whichever is later
Known/documented to be prior to 7/14/86	Non-RCRA HW; RCRA HW and a CESQG	Two years from 7/1/91, or 15 years old, whichever is later
Undocumented prior to 7/14/86, facility more than seven years old on 1/12/87	RCRA HW; not a CESQG/SQG*	Two years from 1/12/87, or when facility is 15 years old, whichever is later
Undocumented prior to 7/1/91, facility more than seven years on 7/1/91	Non-RCRA HW; RCRA HW and a CESQG/SQG*	Two years from 7/1/91, or when facility is 15 years old, whichever is later

For RCRA HW which become hazardous after to 1/12/87, unless a CESQG/SQG, substitute the date the waste becomes a HW for 1/12/87 in table above.

For only non-RCRA HW, or RCRA HW for a CESQG/SQG\*, which become hazardous after 7/1/91, substitute the date the waste becomes HW for 7/1/91 in table above.

\* CESQG/SQG: Conditionally Exempt Small Quantity Generator per 40 C.F.R. section 261.5 or 100 to 1,000-kg/mo generator per 40 C.F.R. section 265.201.

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**LAND DISPOSAL RESTRICTIONS**

**A. Notification vs. Certification**

A Notification statement provides information about restricted wastes and its treatment standard(s). A Certification statement provides assurance that the wastes meet the appropriate treatment standard(s) and may be disposed to land.

**B. Restricted vs. Prohibited wastes**

Restricted wastes are hazardous wastes that are restricted from disposal to land. Prohibited wastes are restricted wastes that have a treatment standard in effect. Although some wastes (e.g., TC wastes) are not yet restricted under the Federal program, California regulations make ALL hazardous wastes restricted wastes. All shipments of restricted wastes must be accompanied or preceded by notification.

Unless a variance or extension is granted, a restricted waste becomes a prohibited waste on the effective date of the appropriate treatment standard(s) for that waste. Shipments of prohibited wastes to treatment facilities require notifications, but shipments to disposal facilities require notifications and certifications.

Federal regulations require that (most) hazardous wastes which have been treated to non-hazardous status are still subject to LDR; if they are sent to RCRA Subtitle D facility, notification and certification statements must be sent to U.S. EPA. State regulations, however, specify that non-RCRA wastes that have been rendered non-hazardous are not subject to the State's LDR program.

**C. Generator Requirements [section 66268.7(a)]**

1. Classify waste;
2. Determine appropriate treatment standard(s);
3. Provide notification to receiving facility;

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4. Provide certification if waste meets treatment standards; and
5. Retain all waste analyses, notifications, certifications, and other

**D. Recycling and Treatment Facility Requirements [section 66268.7(b)]**

1. Test wastes according to the frequency specified in their waste
2. Provide notification if waste or residue is sent for further treatment;
3. Provide certification if waste or residue meets treatment standards; and
4. Retain all waste analyses, notifications, certifications, and other LDR documentation for three years from the date that it was determined that a given contaminated soil subject to LDRs no longer exhibits a characteristic of hazardous waste.

**IMPORTS AND EXPORTS**

**A. Imports [section 66262.60(b)]**

The following requirements apply to importing hazardous wastes from foreign countries. An "importer" may be a U.S. TSD, a parent company, or even an import/export broker with an EPA ID number.

1. Importing TSD must notify the Department four weeks before
2. The name and address of the foreign generator and the importer-§ [section 66262.60(b)(1)]
3. U.S. Importer or Importer's Agent must sign and date the

**B. Exports**

The following requirements apply to exporting hazardous wastes to a foreign country (section 66262.50). The "primary exporter" is the person required to originate a manifest for shipment (section 66260.10) and any intermediary arranging for shipment.

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1. The primary exporter must:
  - a. Submit a complete notification of RCRA waste export to EPA and the Department 60 days prior to shipment. [section 66262.53(a)];
  - b. Submit a complete notification of non-RCRA waste export to the Department four weeks prior to shipment. [section 66262.53(b)];
  - c. Submit exception report if waste not exported within 45 days or waste not delivered to foreign facility within 90 days. (section 66262.55);
  - d. Submit an annual report summarizing exports. (Section 66262.56); and
  - e. Keep all records for three years. (section 66262.57).
2. The primary exporter shall comply with the following manifest
  - a. Name & site address of foreign facility in box nine;
  - b. Point of departure from U.S. noted in box 15;
  - c. For RCRA hazardous waste, the following statement must Acknowledgment of Consent@
  - d. Primary exporter confirms in writing delivery to foreign
  - e. For RCRA exports, attach a copy of the Acknowledgment
  - f. For RCRA exports, provide an additional copy of manifest to transporter to give to U.S. Customs at point of departure from U.S.

**OPERATING RECORD**

A written operating record is required at interim status (section 66265.73) and permit facilities (section 66264.73) and must be kept on-site until closure. The operating record shall include:

1. Description and quantity of each HW received;
2. Methods and dates of transfer, treatment, storage, and disposal at facility;

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3. Location and quantity of each HW within the facility. For off-site HW received, the location is cross-referenced to manifest document numbers. For disposal facilities, map or diagram noting each cell with location of HW;
4. Waste analysis records, results and/or trial tests;
5. Incident reports if contingency plan implemented;
6. Inspection records and results (Note: only required to maintain for last three years.);
7. Ground water monitoring, testing or analytical data;
8. Closure cost estimates and post-closure estimates if applicable;
9. Land disposal restriction records, notices, certification and
10. For off-site facilities, notice to generators that facility has appropriate interim status and will accept HW; and
11. For permitted facilities only, annual certification that the facility has a waste minimization program in place.

**CONTINGENCY PLAN**

- A. A contingency plan is required for generators [section 66262.34(a)(4) ], interim status (section 66265.51), and permitted facilities (section 66264.51). A written contingency plan must include the following:
  1. Description of the actions facility personnel shall take in response to a HW release;
  2. Arrangements agreed to by applicable State and local emergency authorities;
  3. Updated list of emergency coordinators with names, addresses and phone numbers (office and home);
  4. List of all emergency equipment, location, and capabilities;
  5. Evacuation plan for facility personnel with evacuation signals, evacuation routes and alternate routes; and
  6. Current telephone number of Office of Emergency Services.
- B. Copies of contingency plan shall be submitted to following:
  1. Local police departments;

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2. Fire departments;
3. Hospitals;
4. State and local emergency response teams; and
5. The Department of Toxic Substances Control (DTSC) with Part B of the permit application (permitted facilities only).

C. Contingency plan shall be amended whenever:

1. Facility permit is revised (permitted facilities only);
2. The plan fails in an emergency;
3. The facility changes its design, construction, operation, and maintenance;
4. The list of emergency coordinators changes; or
5. The list of emergency equipment changes.

**INSPECTIONS**

A. A written inspection schedule is required for interim status (section 66265.15) and permitted facilities (section 66264.15). An inspection schedule must include the following:

1. All monitoring equipment;
2. All safety and emergency equipment;
3. Security devices;
4. Operating and structural equipment (dikes and sumps);
5. Identify types of problems (malfunctions or deterioration); and
6. Specify items and frequency for inspections (daily for loading areas, weekly for containers, daily for tanks, daily for freeboard, weekly for dikes, daily for discharge control equipment, etc.).

B. Inspection records shall be recorded in an inspection log for three years from the date of the inspection and include at a minimum:

1. Date and time of inspection;
2. Name of the inspector;
3. Notation of observations made; and

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4. Date and nature of repairs or remedial actions.
- C. Generators must inspect areas used for tank and container storage or transfer at least weekly, and are not required to maintain written records for containers but are required to maintain written records for tanks [sections 66262.34(a)(1)(A) and 66265.174].

**TRAINING PROGRAM**

The following requirements apply to training programs for generators [section 66262.34(a)(4)] and interim status facilities (section 66265.16) as well as permitted facilities (section 66264.16).

- A. Minimum Standards for Training Programs (to be completed within six months):

To ensure that personnel are able to respond effectively to emergencies, the training program must familiarize them with the following emergency procedures, emergency equipment, and emergency systems, where applicable:

1. Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;
  2. Key parameters for automatic waste feed cut-off systems;
  3. Communications or alarm systems;
  4. Response to fires or explosions;
  5. Response to groundwater contamination incidents; and
  6. Shutdown of operations.
- B. The owner/operator must maintain the following documents at the facility:
1. Job title for each position related to hazardous waste management;
  2. Name of employee filling each position;
  3. Written job description for each position, including:
    - a. Requisite skill, education, or other qualifications;

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- b. Duties of facility personnel assigned to each position;
- 4. Written description of type and amount of both introductory and continuing education for persons filling a position; and
- 5. Records documenting that personnel have received and completed the required training or job experience.

Note: Training records of "roving employees" may be maintained at a central location if provided upon request.

**WASTE ANALYSIS PLAN**

The following requirements apply to waste analysis plans for interim status facilities (section 66265.13) as well as permitted facilities (section 66264.13).

**A. Minimum Requirements**

- 1. The parameters for which each HW will be analyzed and the rationale for selection of each parameter;
- 2. The test methods which will be used to test for these parameters;
- 3. Methods to be used to obtain a representative sample of the waste to be analyzed; [sampling, planning methodology, equipment, sample processing, documentation and custody procedures must be in accordance with either one of the sampling methods described in California Code of Regulations, title 22, chapter 11, appendix I or an equivalent sampling method; and
- 4. Frequency with which the initial analyses will be reviewed or repeated to ensure they are accurate and up to date.

**B. Additional requirements for off-site facilities:**

- 1. The waste analyses that HW generators have agreed to supply.
- 2. Where applicable, the methods which will be used to meet the additional waste analysis requirement as specified for:

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a. Permitted facilities

- 1) Ignitable, reactive or incompatible wastes (section 66264.17);
- 2) Bulk and Containerized liquids (section 66264.314);
- 3) Incinerators (section 66264.341);
- 4) Air emission standards for process vents (section 66264.1034);
- 5) Air emission standards for tanks, surface impoundments, and containers (section 66264.1083); and
- 6) Land disposal restrictions (section 66268.7).

b. Interim status facilities

- 1) Tank Systems (section 66265.200);
- 2) Surface impoundments (section 66265.225);
- 3) Waste piles (section 66265.252);
- 4) Land treatment (section 66265.273);
- 5) Landfills (section 66265.314);
- 6) Incinerators (section 66265.341);
- 7) Thermal treatment (section 66265.375);
- 8) Chemical, physical and biological treatment (section 66265.402);
- 9) Air emission standards for process vents (section 66265.1034);
- 10) Air emission standards for equipment leaks (section 66265.1063);
- 11) Air emission standards for tanks, surface impoundments, and containers (section 66265.1084); and
- 12) Land disposal (section 66268.7).

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**CLOSURE AND POST CLOSURE**

**A. Closure Plan**

1. A closure plan is required for interim status facilities (section 66265.112) and permitted facilities (section 66264.112) to address how they will properly close the facility or unit. The closure plan must include:
  - a. Steps to perform facility closure;
  - b. Description of how and when each HW management unit will be closed;
  - c. Description of how and when final closure will be conducted;
  - d. Description of maximum extent of operation which will be unclosed during active life of facility and estimate of maximum inventory of HW ever on-site;
  - e. Detailed description of steps to remove or decontaminate all HW residues and system components, equipment, structures and soils;
  - f. Detailed description of ground water monitoring, leachate collection and run-on and run-off control;
  - g. Schedule for closure of each HW management unit and final closure of facility, time required per unit, estimated year of final closure; and
2. The closure plan shall be amended whenever:
  - a. Changes in operating plans or facility design affect closure;
  - b. There is a change in the expected year of closure; or
  - c. In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan.

**B. Post Closure Plan**

The post-closure plan is required for interim status (section 66265.11) and permitted disposal (section 66264.118) facilities at which all hazardous

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wastes, waste residues, contaminated materials and contaminated soils will not be removed during closure. The post-closure plan must include:

1. Description of the planned monitoring activities and frequencies to be performed;
2. Description of the planned maintenance activities and frequencies that will be performed;
3. Integrity of the cap and final cover;
4. Function of the monitoring equipment;
5. Name, address, and phone number of contact person regarding the facility during post-closure care period;
6. All information necessary to enable Department to prepare initial study for the post-closure plan (for interim status only); and
7. A permit from DTSC and contingent post-closure care is required to close a tank system as landfill (for interim status only).

**WATER QUALITY MONITORING**

- A. DETECTION MONITORING: Interim status (section 66265.98) and permitted (section 66264.98) facilities must institute a detection monitoring program for each regulated unit.
- B. EVALUATION MONITORING: Interim status (section 66265.99) and permitted (section 66264.99) must institute an evaluation monitoring program for each regulated unit.
- C. GENERAL WATER QUALITY REQUIREMENTS: Facilities under detection or evaluation monitoring must comply with section 66265.97 (interim status) or section 66264.97 (permitted) to satisfy both programs.
- D. Interim status [section 66265.91(a)] and permitted [section 66264.91(a)] facilities must conduct a water quality monitoring and response program.
- E. Facility must have a Sampling and Analysis Plan (SAP) [section 66265.91(b)]:

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1. Check files for the latest SAP (Ask Permit writer or get info from Regional Senior Geologist). Senior Geologist maintains updated list of SAP submittal;
  2. During the inspection, make note of the date of the SAP and any revisions, if applicable. Obtain a copy if different from the file copy; and
  3. List of wells (up gradient and down gradient) and frequency of sampling should be in the SAP and should match the sampling activity at the site. If frequency of analysis is not specified, facility must explain the omission.
- F. Submittal of groundwater sampling data to the Department [section 66265.97(e)(17)]
1. GW Monitoring data includes sampling and analysis results, background water quality data, statistical evaluation, water level elevation data, and all data used to determine groundwater flow rate; and
  2. Annually by March 1, following each calendar year.
- G. Submittal of a report on the results of the Evaluation Monitoring Program [section 66265.99(e)(8)]:

Owner or operator must submit to DTSC by March 1, following each calendar year, a report on the results of the evaluation monitoring program including, but not limited to, the calculated rate of migration of hazardous constituents in groundwater.

**CONTAMINATED CONTAINERS**

Containers that are contaminated and managed pursuant to section 66261.7 are exempt from regulation of this division and Health and Safety Code, chapter 6.5, division 20. However, they may still be hazardous waste.

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- A. Definition of empty for hazardous material:
1. Pourable - No hazardous material/waste can be poured or drained from container when inverted.
  2. Not pourable - No hazardous material/waste remains in or on the container that can feasibly be removed by physical methods. A thin uniform layer or dried material or powder is considered acceptable.
- B. A container or an inner liner removed from a container that has held a material listed as acute hazardous wastes or extremely hazardous wastes is empty if: [section 66261.7(d)]
1. Triple rinsed using an appropriate solvent; or
  2. Cleaned by another method with prior approval from the Department.
- C. Managed by one of the following methods:[section 66261.7(e)]
1. Containers that are 5 gallons or less may be disposed at an appropriate solid waste facility provided they are packaged and transported properly;
  2. Reclaiming its scrap value on-site or shipping container to a person who reclaims its scrap value provided it is packaged and transported properly;
  3. Reconditioning or remanufacturing the container on-site and for subsequent reuse; or
  4. In lieu of managing the container by the above methods, owner/operator may ship the container to a supplier or to another intermediate collection location, provided that the container is packaged and transported properly.
- D. A container larger than 5 gallons and which is managed with one of the above methods shall be marked with the date it has been emptied and shall be managed within one year of being emptied. [section 66261.7(f)]

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- E. Any person who generates a contaminated "empty" container or an inner liner larger than 5 gallons that previously held a hazardous material shall maintain the name, street address, mailing address and telephone number of owner/operator of the facility where the empty container has been shipped. This information shall be retained on-site for a period of three years. [section 66261.7(g)]
- F. Uncontaminated containers, where an inner liner has prevented contact with the inner surface of the container are not hazardous waste subject to regulation. [section 66261.7(h)]
- G. Containers or inner liners which previously held a hazardous material which are sent back to the supplier for the purpose of being refilled, are exempt from regulation provided all the following requirements are met: [section 66261.7(l)]
  - 1. Container or inner liner was last used to hold a hazardous material acquired from the supplier.
  - 2. Container or inner liner is empty;
  - 3. Container or inner liner is returned to supplier for purposes of being refilled;
  - 4. Container or inner liner is not treated prior to being returned to the supplier, except as authorized;
  - 5. Container is not treated by supplier without obtaining specific authorization; and
  - 6. Container or inner liner is refilled with compatible hazardous material.
- H. Contaminated household hazardous material and pesticide containers of five gallons or less are exempt. [section 66261.7(k)]
- I. Compressed gas cylinders are exempt when the pressure in the container approaches atmospheric pressure. [section 66261.7(l)]

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- J. Aerosol containers are exempt if it was emptied of the contents and propellant to the maximum extent practical under normal use provided the contents are not RCRA regulated hazardous waste. If containers hold hazardous waste or acute hazardous waste they are not exempt.  
[section 66261.7(m)]
- K. Containers made of absorptive material are not exempt if container was in direct contact and has absorbed the hazardous material.  
[section 66261.7(n)]
- L. The following items are not containers:[section 66261.7(o)]
  - 1. Used oil filters;
  - 2. PCB contaminated electrical equipment;
  - 3. Chemotherapy drug intravenous bags or tubing; and
  - 4. Vehicle related containers (e.g., baker tanks, etc.).
- M. Any container or inner liner which previously held a hazardous material and which is not empty or otherwise exempt from regulation shall be managed as a hazardous waste.

**FINANCIAL RESPONSIBILITY**

- A. The purpose of financial responsibility (FR) is to ensure that permitted and interim status hazardous waste facilities have adequate financial assurance. What "financial assurance" means is the facility has sufficient funds available to: put the facility through closure, maintain the facility during any post closure period, and allow the facility to respond to any third party liability claims (related to hazardous waste operations). FR requirements apply to all owners or operators of hazardous waste facilities. State or Federally owned or operated facilities are EXEMPT.

The Hazardous Waste Management Program (HWMP) of each regional office has a staff person (FR person) to conduct financial reviews. The financial review is the first step in determining compliance with FR requirements. The FR person is also responsible for verifying the

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accuracy of and maintaining the FR files.

The inspector's first task is to complete the Financial Responsibility Review Request Form (SEB/FR1) and give it to the regional FR person. The FR person will complete the FR review and return a Financial Responsibility Review Form to you. The Review Form will state whether the facility passed or failed the financial review and note any deficiencies. A financial review is only valid for sixty (60) days. FR reviews should be requested two weeks prior to the inspection.

- B. As a general rule, the following staff should have the information needed to answer the following questions on the checklist regarding:
1. Permit Writer:
    - a. Written closure and post closure cost estimates; and
    - b. Revisions to the closure and post closure cost estimates
  2. FR person:
    - a. Adjustments to the closure and post closure cost estimates; and
    - b. Amendments to the Financial Assurance Mechanism for closure and post closure cost estimates
  3. Inspector:
    - a. A copy of the closure cost estimate is on site;
    - b. A copy of the post closure cost estimate is on site; and
    - c. For IS, the inspector must evaluate the adequacy of Closure Cost Estimates.
  4. Along with the FR person's review, the Inspector needs to verify that the following documents are on site:
    - a. A copy of the financial assurance mechanisms for closure

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- and post closure are available for review;
- b. A copy of the demonstration of liability coverage for sudden accidental occurrences (\$1 million/occurrence and \$2 million annual aggregate) is available for review; and
  - c. A copy of the demonstration of liability coverage for non sudden accidental occurrences, at disposal facilities, (\$3 million/occurrence and \$6 million annual aggregate) is available for review

**C. Definitions**

- 1. Financial assurance mechanism is a DTSC approved format accompanied by the appropriate supporting documentation, if necessary (e.g., An irrevocable standby letter of credit from a financial institution along with a standby trust agreement).
- 2. Demonstration of liability coverage in a DTSC approved form accompanied by the appropriate supporting documentation (e.g., DTSC 1160: Liability Certificate of Insurance and copy of insurance policy, if DTSC requested).

**DRIP PADS**

A drip pad is an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants. Drip pads are considered "existing" or "new." Requirements that apply to both existing and new drip pads include: contingency plan for incidental and infrequent storage yard drippage, design and operating standards, inspections, and closure. Existing pads must also have a written assessment that attests to the facility's compliance with the subpart W requirements.

- A. Applicability (section 66265.440 for interim status and section 66264.570 for permitted facilities):

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1. The requirements of this article apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water run-off to an associated collection system. Existing drip pads are those constructed before December 6, 1990. All other drip pads are new drip pads. The requirements under section 66265.443(b)(3) and section 66264.573(b)(3) to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992.
2. The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither run-off nor run-on is generated is not subject to regulations under sections 66265.443(e) or 66265.443(f) and sections 66264.573(e) or 66264.573(f).

- B. Contingency plan for infrequent and incidental storage yard drippage for interim status (section 66265.440(c)(1) and permitted (section 66264.570(c)(1) facilities.

The owner or operator must maintain and comply with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, contingency plan shall describe how the owner or operator will do the following:

1. Cleanup the drippage;
2. Document the cleanup of the drippage;
3. Retain documents regarding cleanup for three years; and
4. Manage the contaminated media in a manner consistent with DTSC regulations.

- C. Written Assessment for Existing Pad Integrity

Owner or operator must obtain and keep on file at the facility a written assessment of drip pad integrity [section 66265.441(a) for interim status and section 66264.571 for permitted facilities]:

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1. Which has been reviewed and certified by a registered engineer that attests to the results of the evaluation; and
2. The evaluation must document the extent to which drip pad met each of the design and operating standards of sections 66265.443(b) and 66265.573(b) (except standards for liners and leak detection systems).

**D. Written Pad Upgrade Plan [section 66265.441(b) for interim status and section 66264.571(b) for permitted facilities]**

Owner or operator must submit a plan for all repairs, upgrades and modifications to the pad no later than two years before changes are complete. The upgrade plan must:

1. Be submitted to DTSC;
2. Provide detail description of changes; and
3. Be reviewed and certified by professional engineer.

**E. Synthetic Liner Requirements [section 66265.443(b)(1) for interim status and section 66264.573(b)(1) for permitted facilities]**

The owner or operator must install a synthetic liner below the drip pad that is:

1. Designed, constructed, and installed to prevent leakage from the drip pad to adjacent subsurface soil or groundwater or surface water;
2. Constructed of material that will prevent waste from being absorbed into the liner and prevent releases;
3. Constructed of materials that have:
  - a. Appropriate chemical properties; and
  - b. Sufficient strength and thickness to prevent failure due to:
    - Pressure gradients;

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- Physical contact with waste;
    - Drip pad leakage;
    - Climatic conditions;
    - Stress of installation; and
    - Stress of daily operation
  - 4. Placed on a foundation capable of providing support to the liner; and
  - 5. Installed to cover area that could come in contact with waste.
- F. Leakage Detection Requirements [section 66265.443(b)(2) for interim status and section 66264.573(b)(2)]
1. The leakage detection immediately above the liner must:
    - a. Be constructed of materials that are chemically resistant to waste managed and leakage generated;
    - b. Be of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and equipment;
    - c. Be designed and operated to function without clogging through the scheduled closure;
    - d. Be designed to detect failure of the drip pad or presence of a waste or liquid at earliest practicable time; and
    - e. Must contain the date, time, and quantity of any leakage collected and removed.
  2. Owner or operator must follow procedures to repair a condition that has or may cause a release [section 66265.443(m) for interim status and section 66264.573(m) for permitted facilities]:
    - a. Record the discovery by entry in the operating log;
    - b. Immediately remove the portion of the drip pad affected by the condition from service;
    - c. Determine what steps must be taken to repair the pad, remove any leakage from below the pad;

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- d. Establish a schedule for accomplishing the clean up and repairs.
  - e. Notify DTSC within 24 hours after discovery of the condition;
  - f. Provide written notice to DTSC within ten working days with a description of the steps that will be taken to:
    - Repair the pad;
    - Clean up any leakage; and
    - The schedule of the work
  - g. Provide written notification to DTSC and a certification signed by an independent, qualified registered professional engineer that the repairs and clean up have been made according to the written plan upon completing all repairs and clean up.
- G. Liner Inspection Requirements during Construction [section 66265.444(a) for interim status and section 66264.574(a) for permitted facilities]
- 1. During construction, owner or operator must inspect liners and cover systems (membranes, sheets, coatings) for:
    - a. Uniformity;
    - b. Damage; and
    - c. Holes, cracks, thin spots, foreign materials.
  - 2. Immediately after construction or installation, owner or operator must:
    - a. Have the liner inspected and certified as meeting the requirements of sections 66265.443 or 66264.573 by an independent, qualified, register professional engineer;
    - b. Maintain the certification as part of the operating log at the facility; and
    - c. Inspect liners and covers to insure tight seams and joints and absence of tears, punctures, or blisters.

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- H. Operational Drip Pad Inspections [section 66265.444(b) for interim status and section 66264.574(b) for permitted facilities]

While the drip pad is in operation, owner or operator must inspect weekly and after storms for evidence of any of the following:

1. Deterioration;
2. Malfunctions;
3. Improper operation of run-on and run-off control systems;
4. Presence of leakage in and proper functioning of leakage detection system; and
5. Deterioration or cracking of the drip pad surface.

- I. Closure [section 66265.445(c)(1) for interim status and section 66264.575 for permitted facilities]

For existing drip pads which do not have a liner as described in sections 66265.443(b)(1) and 66264.112 , the owner or operator must:

1. Include in the closure plan under section 66265.112 both a plan for complying with site decontamination requirements under (a) and a contingent plan for complying with closure and post-closure requirements of landfills under (b) if the site cannot be decontaminated; and
2. Include in the closure and post-closure care plan cost estimates for complying with contingent closure and post- closure care requirements. [Note: Cost of expected closure under (a) is not required.]

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